

**CITY OF TAUNTON  
ZONING BOARD OF APPEALS**

**June 9, 2016 at 6:00 PM**

**(Meeting held at Maxham School, 141 Oak St., Taunton, Ma)**

Members Present: Chairman Ackerman, Berube, Staples Correia, Vieira, and Moniz.

Meeting called to order at 6: 00 PM

Wayne made motion to accept May 12, 2016 minutes, seconded by Steve. All in favor.

Chairman Ackerman explained the process of which the ZBA conducts its meetings. They listen to the petitioner/Attorney, then opposition or in favor and then back to the petitioner. They do not go back and forth.

**Case # 3327      Cruz/Zeigle      124 Highland St. & Prop. I.D 91-284 (Pinehurst St.)**

A Variance from Section 6.2 & 6.3 of the Zoning Ordinance to allow the re-configuration of 6 lots into 4 without having the required frontage, lot width, lot area, upland and side setbacks. Lot 2A being a conforming lot with the existing house located in the Urban Residential District. Lots 2B, 2C & 2D having 66.67 feet of frontage & lot width (instead of 125' of frontage & 100' of lot width) and Lots 2B & 2C having 9,200 sq. ft. of lot area & upland (instead of 30,000 sq. ft. & 22,500 sq. ft. upland); Lot 2D having 9,200 sq. ft. of lot area & 8,855 sq. ft. of upland (instead of 30,000 sq. ft. lot area & 22,500 sq. ft. of upland) and Lots 2B, 2C, & 2D having an 11 foot side setback (instead of 15') in Suburban Residential District on premises situated 124 Highland Street, and also property I.D. 91-284 (Pinehurst Street)

**Letter from Atty. Rounds requesting a continuance until next month.**

**Motion made and seconded to grant continuance. All in favor.**

**Case # 3328      Big Red Properties LLC      Duffy Dr. (Prop. I.D. 68-41-0)**

A Variance from Section 6.3 of the Zoning Ordinance to allow the construction of a single family dwelling on a lot having 13,648 sq. ft. (instead of 15,000 sq. ft.) with 8,498 sq. ft. of upland (instead of 11,250 sq. ft.) and a 10 foot front setback for stairs (instead of 25 feet)

**Letter from Atty. Zajac requesting a continuance until next month.**

**Motion made and seconded to grant continuance. All in favor.**

**Case #3326      Myles Standish Assoc. Ltd. Part.      695 & 705 Myles Standish Blvd.**

For: A Special Permit from Section 5.2 of the Zoning Ordinance to allow the mixed use of multi-tenant, two building commercial premises in Industrial District for office use and service use in addition to other uses allowed by right in the Industrial District with each tenant space to be permitted for a maximum of up to 100% office or service use for 695 Myles Standish Boulevard (23,415 sq. ft.) and 705 Myles Standish Boulevard 22,557 sq. ft.

For the Petitioner: Atty. David Gay, P. O. Box 988, Taunton, Ma.

In favor: None

Opposed: None

Atty. Gay stated the applicant has owned this property since 1991 and these are the original buildings in the park built in 1984. They first started in stages and then added on. They do research and development and occasionally they might have new tenant. They wish to have the flexibility of having it approved up front then coming back every time a new tenant comes in. Chairman Ackerman thought Offices should be allowed as a matter of right. Atty. Gay stated they have twice as much parking as required. This will allow them more flexibility so a new tenant can go right in. No one in favor or opposed. Chairman Ackerman read letters from B.O.H., Fire Dept., Conservation Commission and City Planner into the record.

**Motion made and seconded to grant as Presented:**

**Vote: Vieira, Berube, Ackerman, Correira, Staples ....Yes**

**Petition Granted**

**Case #3323**

**CREFF II Silver City LLC**

**2 Galleria Mall Drive**

For: A Variance from Section 7.5 of the Zoning Ordinance to allow a replacement of a façade sign with a new 166 square foot internally illuminated façade sign.

For the Petitioner: Gary Bolduc, Poyant Signs, 125 Samuel Barnett Blvd., New Bedford, Ma.

In favor: None

Opposed: None

Mr. Bolduc stated he represents the owners of the Mall and they are re-branding the whole site. They have some new tenants like BCC, and Round One. They removed the old JC Penney and old Galleria sign and wish to replace. It will match the signs on Route 140 and it will all tie together. Chairman Ackerman stated they have done good job with mall and trying to keep it full. Steve asked where this sign would be going? Mr. Bolduc answers next to the entrance next to movie theatre. Wayne asked if the sign will go on building and Mr. Bolduc answers yes. No one in favor or opposed. Chairman Ackerman read letter from B.O.H., Fire Dept., Conservation Commission and City Planner into the record.

**Motion made and seconded to grant as Presented:**

**Vote: Berube, Staples, Correira, Ackerman, Vieira ....Yes**

**Petition Granted**

**Case # 3324****Freitas****290 Washington Street**

For: A Special Permit from Section 5.3.4 of the Zoning Ordinance to allow the extension of a pre-existing non-conforming structure by allowing a breezeway & garage with a 15'8" rear setback (instead of 20 feet)

For the Petitioner: Robert Freitas, 290 Washington St., Taunton, Ma.

In favor: None

Opposed: None

Mr. Freitas states his house was built years ago and was placed in the rear of the lot. He wants to put breeze-way and garage in line with house. It won't be any closer that the house is. If they move it to meet setback it would not be in line. No one in favor or opposed. Chairman Ackerman read letters from the B.O.H., Fire Dept., Conservation Commission and City Planner into the record.

**Motion made and seconded to grant as presented:**

**Vote: Berube, Staples, Correira, Ackerman, Vieira....Yes**

**Petition Granted**

**Case #3325****DeSousa****851 Cohannet St.**

For: A Variance from Section 6.2, 6.2.5, and 6.3 of the Zoning Ordinance to allow the division of one lot into two lots without being serviced by municipal sewer. Lot 2 having 30.61 feet of frontage & 29.7' of lot width (instead of 125' of frontage & 100' of lot width) and a shape factor of 43.3 (instead of 35) for the construction of a single family dwelling.

For the Petitioner: Tony DeSousa, 851 Cohannet St., Taunton, Ma.

In favor: Mr. & Mrs. Christopher King, 835 Cohannet St., Taunton, Ma.  
Michael Caudle & Courtney Caras, 850 Cohannet St., Taunton, Ma.  
Andrew & Lauren Geurtsen, 15 Red Circle, Taunton, Ma.  
Treavor Luiz, 865 Cohannet, Taunton, Ma.  
Lois MacDonald, 140 Davenport St., Taunton, Ma.  
Donald Cleary, 620 Dighton Ave., Taunton, Ma.

Opposed: Antonio & Kathleen Borges, 887 Cohannet St., Taunton, Ma.

Mr. DeSousa stated he purchased the property 8 years ago which is about 2 acres. He has tennis court and his children have moved out and they want to remove tennis court and put house there. Chairman Ackerman asked if they would have 2 driveways. The house would be set back about 300 feet from street and the house is 70' x 28'. Tony said it was just a building envelope. He wishes to build with house with 3 bedrooms & 2 car garage.

Chairman Ackerman suggests reducing it to 28 x 48' or 54'? He would be ok with that. Wayne stated in his submission he had letters of support. He asked if it would be for family member and Mr. Sousa answers yes his son. His intention is to not sell it. Donald Cleary, 620 Dighton Ave., stated he is here tonight to support Tony. He spoke to him about a 1 1/2 years ago about this idea. Mr. Cleary said he has his family living close by and it's wonderful. Tony wants his son to live close by and he told him the process to go through. He stated Tony is a man of his word and you can trust him. Mike asked how wide is the proposed driveway and will it be paved? Mr. DeSousa answers it's 31 feet wide and it will be paved. Mike asked about turnaround and he said yes. Wayne stated he drove by and the existing house is beautiful manicured. Wayne asked what's in back of the tennis court? Mr. DeSousa answers there are trees and he will be willing to put spruce & pine trees about 14' – 16' along property line. It was noted on the left of Mr. Borges house would be trees. Chairman Ackerman read letters of support from 5 neighbors in support. (see above) Chairman Ackerman read letters from B.O.H., Fire Dept., Conservation Commission and City Planner into the record. Opposed: Antonio Borges, 887 Cohannet St., stated he is going to be able to see new house if he were in his kitchen. He stated he had no issues with tennis court but now he wants to put house? He stated he will have to cut lot for driveway. He thinks the proposed house on plans is big. He has been there 36 years and the house is bigger than his. He asked what the hardship was? Chairman Ackerman stated the hardship is the configuration of the land. He stated his house in front will be for his son and Mr. DeSousa will have bigger lot. Wayne asked Mr. DeSousa would be willing to put spruce trees along the boundary for privacy. He agreed. It was noted his house was in line with Treavor's house. Chairman Ackerman thinks getting rid of tennis court and putting nice house (around \$300,000) George said the house would be situated down low so it won't affect neighbors. He thinks a new house will add value. Wayne explained to Mr. Borges that the ZBA is here to allow people to come and ask for some kind of variation under the ordinance. He stated there needs to be some hardship exclusive of financial but they can take that into consideration. Wayne stated when families try to remain close his impacts him. The Board has discretion and they try to weigh all the evidence and have a fair hearing. Kathleen Borges, 887 Cohannet St., opposed. She stated there are wetlands in back. She also pointed out the son will live in front and Tony will have new house in back. She stated he must be concerned about privacy because he offered landscaping to buffer. Treavor's house was left to him by his uncle and there is no one there they travel. She stated she has never opposed anything before. Tony stated he will do what he says and he will put trees for privacy. Chairman Ackerman asked Tony if his son would be living in front house and he in the new house. Tony answered yes. Mike stated he does have to go to Conservation Commission. The Board stated he's a good builder and his property is well kept. There was some discussion about reducing the size of the house to 28 x 60 because they are meeting all setbacks. They also wanted to add landscaping for privacy.

**Motion made and seconded to grant with the following conditions:**

- 1. New house not to exceed 28' x 60'.**
- 2. Install 14' – 16' spruce trees along the side property lines starting to the rear of the existing tennis court.**

**Vote: Vieira, Berube Ackerman, Correira, Staples ....Yes**

**Petition Granted**

Meeting adjourned at: 6:57 PM.

Next meeting is July 21, 2016 at 6:00 PM. NO AUGUST MEETING.

**OTHER BUSINESS:**